

Floating Cabins  
Current Guidelines & Status  
Tennessee Valley Authority  
August 31, 2017

## **Current Status**

Over the next several months TVA will be working on several aspects of the future governance of floating cabins on the Tennessee River System (TVA's Reservoirs, the Tennessee River, and any of its tributaries). This document provides an update and additional details concerning the overall process and can help answer questions that have arisen after TVA's May 5, 2016 Board Policy on Floating Houses, and the enactment of the Water Infrastructure Improvements for the Nation (WIIN) Act on December 16, 2016. The Board Policy and WIIN Act prohibit new floating cabins and allow TVA to create regulations to regulate existing floating cabins. The general public and stakeholders will have opportunities to be involved and provide input as this process unfolds.

TVA will update this site as new information is available. Floating Cabin owners should check this site periodically for updates on the progress of the new policy and TVA's implementation schedule.

## **Floating Cabins - Terminology and Determination**

Going forward, TVA will use the term "floating cabins", rather than floating houses or nonnavigable houseboats.

Floating cabins are determined by TVA in its sole discretion to be structures primarily designed and used for human habitation or occupation and not for navigation or transportation on the water. TVA's judgment will be guided by, but not limited to, whether the structure:

- Is usually kept at a fixed mooring point;
- Is actually used on a regular basis for transportation or navigation;
- Has a permanent or continuous connection to the shore for electrical, plumbing, water, or other utility service;
- Has the performance characteristics of a vessel typically used for navigation or transportation on the water;
- Can be readily removed from the water;
- Is used for intermittent or extended human-habitation or occupancy;
- Clearly has a means of propulsion and appropriate power/size ratio;
- Is safe to navigate.

That a structure occasionally moves from place to place or that it qualifies under another federal or state regulatory program as a vessel or boat are factors that TVA will consider but would not be determinative. Floating cabins will be deemed either existing or new as described below.

## **New Floating Cabins Prohibited**

Any floating cabins placed on the Tennessee River System after December 16, 2016 are deemed new floating cabins, are unauthorized, and will not be approved. TVA will

require removal of any new floating cabins and associated unpermitted floating structures placed on TVA reservoirs after December 16, 2016. The cost to remove any new floating cabin will be charged to the owner of the structure. The owner of the new floating cabin will be ineligible to receive a permit from TVA for any structure within the Tennessee River System until the charge is paid in full.

### **Existing Floating Cabins**

Floating cabins that were on the Tennessee River System on or before December 16, 2016 (with or without TVA approval in the form of a TVA Section 26 permit) are deemed an existing floating cabin. Existing floating cabins may remain provided they are able to meet TVA's future regulatory standards, obtain and remain in compliance with their Section 26a permit, and pay any necessary and reasonable fees. Development of these future regulatory standards is explained later in this document.

Owners of existing floating cabins should be prepared to provide TVA documentation that confirms the floating cabin's existence on or before December 16, 2016, and if permitted by TVA, provide their floating cabin Section 26a permit. Owners may not expand, modify, or rebuild their floating cabin without the advance written approval of TVA. TVA will determine if the request to modify the floating cabin is necessary to comply with TVA's regulations regarding these structures. Owners who expand or modify an existing floating cabin without TVA approval do so at their own risk. Floating cabins must be moored within marina harbor limits set and approved by TVA. Floating cabins not associated with a marina, must be moored at a location approved by TVA in a permit issued before December 16, 2016 or within the approved harbor limits of a marina.

### **Stakeholder Group**

A Stakeholder Group was convened August 18, 2017 to represent various interests and viewpoints related to the use and management of floating cabins. The interests represented include floating cabin owners, marina owners, federal and state regulatory agencies, anglers, local power companies, and lake user associations. This group will meet several times between summer 2017 to early 2018 to provide input on the development of health, safety, and environmental standards, and future regulations. They will also provide input on fees for the purpose of ensuring compliance.

Environmental, health, and safety standards will be developed with stakeholder involvement that could address several issues including, but not limited to, the following:

- Electrical safety including ground fault protection on any and all power sources.
- Methods of mooring and anchoring and marking of underwater and abovewater cables causing potential navigation hazards.
- Replacement of un-encased Styrofoam or other unauthorized flotation.
- Wastewater discharges including proper management and disposal of sewage and grey water, and waste pump out capability.
- Compliance with applicable federal, state, and local laws; regulations and codes pertaining to electrical installations, wiring, and equipment; and waste discharges.

## **Section 26a Rule Amendments**

TVA will be amending the Section 26a rules and regulations to include new standards and requirements for floating cabins. TVA's current Section 26a regulations are on TVA's website at <https://www.tva.com/Environment/Shoreline-Construction/TVA-Act-26a-Standards-and-Regulations>. Subpart B includes the regulations for Nonnavigable Houseboats. New floating cabins are prohibited under these existing regulations. Except as amended by the WIIN Act, these rules remain in effect until TVA publishes amended regulations governing floating cabins.

In addition to stakeholder input, TVA will request public comment in the Federal Register. In the meantime, all existing floating cabins must be maintained in a manner compliant with TVA's Section 26a regulations and, if the floating cabin was approved by TVA, in compliance with the Section 26a permit.

### **Phase I Amendments**

TVA plans to publish initial amended rules for floating cabins in 2017. These will be available for public comment for at least 30 days and will be published in the Federal Register and on TVA's website. The proposed amendments would redefine nonnavigable houseboats and floating houses using one term—"floating cabins"—and prohibit new floating cabins on the Tennessee River System after December 16, 2016. The proposed amendments being considered would also include limited mooring standards, and clarifications regarding permissible rebuilding and modification of existing floating cabins. A requirement for all floating cabins to be registered may also be considered in these initial rule amendments. If the registration process is finalized, TVA will update this website with instructions about registering your floating cabin after the amendments are published later in 2017.

### **Phase II Amendments**

More detailed health, safety, and environmental standards for floating cabins will be addressed in a later rulemaking in 2018 once TVA has had the opportunity to discuss such standards with stakeholders. Until final rules are published, and except as amended by the WIIN Act, TVA's current rules remain in effect.

## **What can I do now?**

Stay involved in the process and check this website for new information.

TVA also recommends you begin gathering information about your floating cabin that will be needed for future Section 26a approval from TVA.

### **The information you need includes the following:**

- Drawings showing length, width, height and shape of the floating cabin, enclosed space, and all attached structures such as decks and boat slips

- Photos of your floating cabin
- Type of existing flotation
- Mooring location (marina, GPS coordinates, etc.)
- Description of how black and grey water is managed (holding tank, Marine Sanitation Device, etc.)
- Owner name and contact information
- Documentation that proves the floating cabin was located on the Tennessee River System before December 16, 2016
- Permit number or nonnavigable houseboat number previously issued by TVA

## **Inventory of Structures**

TVA will continue to inventory, inspect, and document existing floating cabins and associated structures. Data collected will include dimensions, photographs, location, identifying numbers, type of anchoring, and other information about the structure. The information will be compared with existing permits and other inventory data collected in previous years and will be used to determine if a floating cabin is existing or new. TVA will also work with marina owners to collect contact information for the structure owners.

## **Tentative Timetable**

### **2017**

- Early Fall - Publish proposed initial phase I rule amendments with a minimum 30-day comment period
- August 2017 to February 2018 - Stakeholder group meetings to discuss standards and fees that will support the phase II rule amendments.
- Late Fall - Publish final phase I amendments after public comments are considered.

### **2018**

- Summer - Publish proposed phase II rule amendments regarding health, safety, and environmental standards and permitting, enforcement, and fee requirements for a minimum 30-day public comment period.
- Fall - Publish final phase II rule amendments after public comments are considered.

## **For Additional Information and Questions**

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